

# **Land Use Regulation & Agriculture**

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**Colby Ferguson**

**Frederick County Business Development & Retention  
Division**

# **Maryland Ag at a Glance**

- **Top Sectors: Poultry, Grain, Nursery/Greenhouse, Dairy**
- **Maryland produced 300,500,000 broilers in 2010 – 8<sup>th</sup> in US for number of broilers produced**
- **Number of Farms – 12,800**
- **Land in Farms – 2.05 million acres**
- **Average Farm Size – 160 acres**

Statistics from USDA NASS 2007 Ag Census and 2011 Overview of MD; DPI

# **When You Think of Ag, You Probably Think of This**





**But the end game is...**



# **Right-to-Farm Ordinances**

- **A proactive way to prevent legal disputes between farm and non-farm neighbors**
- **Provides a measure of security for farmers that practice sound best management principles**
- **Maryland has a state right to farm statute and many counties have a their own RTF ordinances**

# **Right to Farm cont.**

- **The most comprehensive RTF ordinances all include the following:**
  - **A Good Neighbor Policy**
  - **Key Definitions**
  - **Limitations of Actions**
  - **Resolution of Disputes and Procedures**
  - **An Agricultural Reconciliation Board**
  - **A No Standing Clause**
  - **A Bad Faith Clause**
  - **Method of Notice**

# **Governor's Intergovernmental Commission for Agriculture - GICA**

- **Created by Executive Order in 2006**

## **GICA's Mission:**

**The Commission shall work to promote the economic profitability of agriculture in the State by ensuring that all appropriate State agencies work in a cooperative, coordinated manner with local government and industry groups in planning, implementing, overseeing and evaluating intergovernmental initiatives related to agricultural affairs of the State.**

**Published:** *Understanding and Responding to the Changing Needs of Maryland Agriculture: A Toolkit for Local Communities*



# **Storm water**

- **Ag was not at the table when the regs were first developed and our buildings had previously been exempt**
- **Previous storm water work was done by Soil Conservation Districts and for the most part was done well**
- **When ag became subject to the new regs the entire rulebook was applied even though special circumstances exist on most farm properties – ie. plenty of land to run storm water to and over**
- **MDE has worked with the farm community, especially poultry, to find accommodation but more work needs to be done.**
- **MDE and MDA have both said they intend to continue looking at environmentally sound and economically viable answers**

# On-Farm Processing

- Creameries, butchering, wine/beer/alcohol (but we'll talk about that later!), bakeries, etc.
- Health Departments can and should work with these small operators to ensure safety without exaggerated requirements
- Local zoning should encourage, not discourage



# It's All About Scale



# Farmers Markets

- Allow for locations in town centers, parking lots, easily accessible and open areas
- Statewide Producer Mobile Farmer's Market License – 2010
- Allow for sampling of fresh produce



# Everyone's Favorite Value-Added Agricultural Product...



# On-Farm Wineries

## **Local Zoning for Farm Wineries**

- **Frederick County**

## **Maryland Winery Modernization Act – 2010**

- **Reduced requirements for sampling, allows for certain food offerings, allow for permits to sell at farmers markets**



# On-Farm Breweries



- **Local Zoning for On-Farm Breweries**
- **MD Farm Brewery License**
  - **15,000 bbl/yr and made with an ingredient from the farm**
  - **May offer certain food items and beer sampling**
  - **May hold promotional events on site**

# **Why Now?... Why Here?**

- **Our farmers are within driving distance of several major metropolitan regions: DC, Baltimore, Philadelphia, Wilmington, and even NYC**
- **Diversifying to spread the risk**
- **Bringing the next generation back to the farm**
- **A business opportunity away from corporate America even though they may have no previous connection to farming and agriculture**
- **More and more people want to know where their food is coming from and who produced it**

# Conclusions

- Maryland's traditional agricultural operations remain the driving factors in our ag economy – we must ensure they are well supported through state regulations as well as local P&Z
- Maintain lines of communication with your local ag community
- Consider scale and scope when addressing the needs of the ag community
- Make local land use definitions broad enough to allow value-added Ag
- And...

**Maryland  
Agriculture**

# Thank You!

**Colby Ferguson**

**Frederick County Business Development & Retention Division**

**[cferguson@frederickcountymd.gov](mailto:cferguson@frederickcountymd.gov)**

**301-600-3037**